

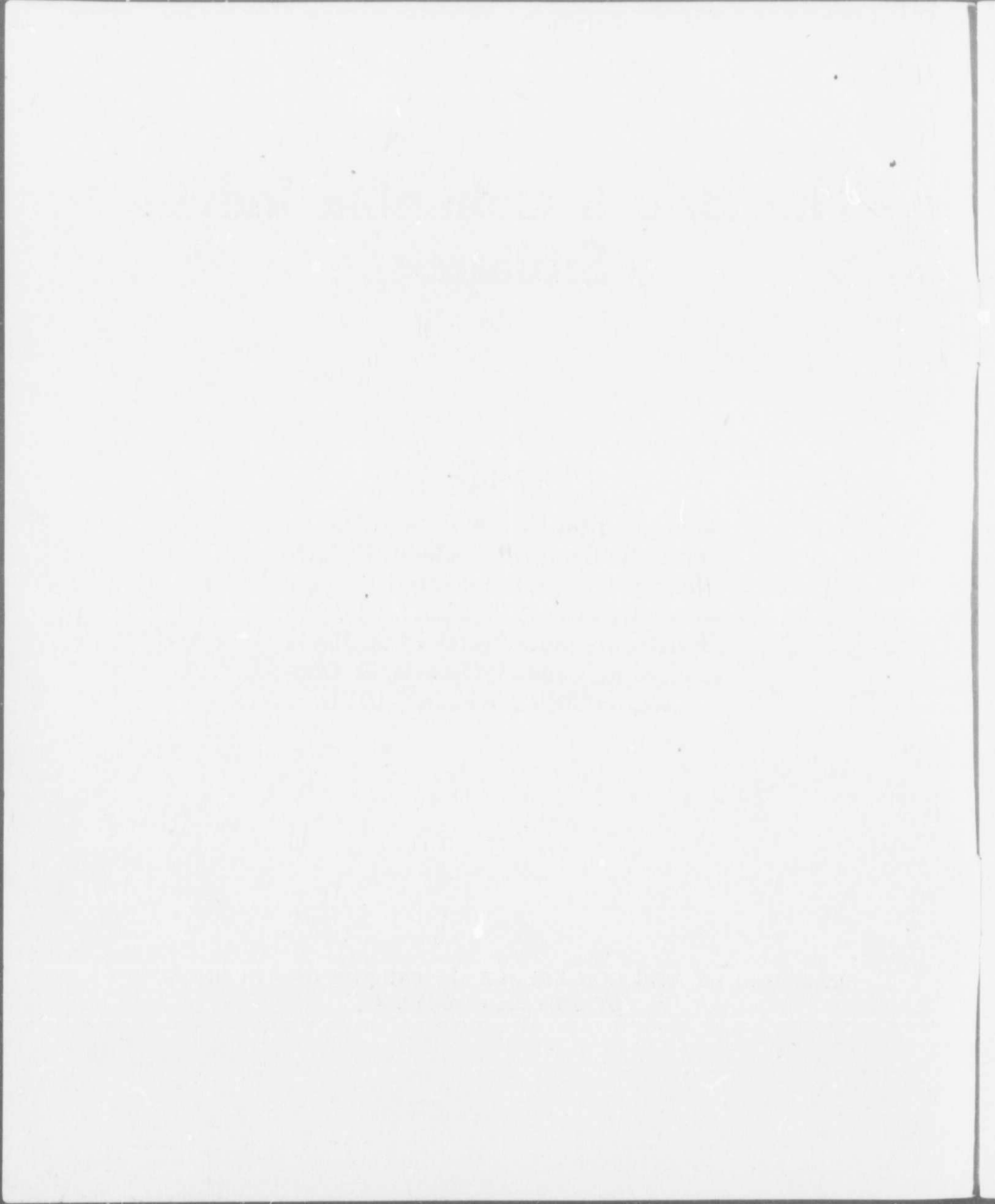
SPAM 3796

The British Columbia Indian Situation

A STATEMENT

made by Rev. Canon Tucker, D.C.L.,
formerly Rector of Christ Church,
Vancouver, subsequently General
Secretary of the Anglican Missionary
Society, and now Rector of St. Paul's
Cathedral, London, Ontario, at Otta-
wa, on 30th November, 1911.

PUBLISHED BY THE CONFERENCE OF FRIENDS OF THE INDIANS
OF BRITISH COLUMBIA.



On 30th November, 1911, at Ottawa, Rev. Canon Tucker, representing the Moral and Social Reform Council of Canada, at an interview had with the Right Hon. R. L. Borden, K.C., Prime Minister of Canada, and the Hon. Robert Rogers, Superintendent-General of Indian Affairs, spoke as follows:-

I should like, at the outset, to explain to you just what we represent. Mr. O'Meara represents "The Conference of Friends of the Indians of British Columbia," an organization of citizens, free from all ecclesiastical and political affiliations, formed for the purpose of promoting the best interests of the Indians. I have the honour to represent "The Moral and Social Reform Council of Canada," composed of representatives of all the churches, including the Roman Catholic Church, and of such organizations as the Lord's Day Alliance, The Farmers' Grange and Trades & Labour Councils. This is probably the most widely representative body in the Dominion of Canada.

Now the subject we desire to place before you is the Indian Land Question of British Columbia. That question may be stated briefly as follows:—The Indians of British Columbia make certain claims to the unsurrendered lands of the Province and they assert that before the land is sold or given to railways or to settlers their claim should be considered. On the other hand the Government of British Columbia say that the Indians have no claim whatever and they deal with them, in the matter of reservations and otherwise, on that basis. Here is a distinct, clear-cut issue between the two parties.

Now, the organizations which we represent do not pre-judge the case. They do not say that the Indians have or have not a claim. But they do say that the claim of the Indians, which they have consistently made for half a century, ought to be considered and disposed of in some way.

As we look over the Province of British Columbia we see that the Indians have occupied its valleys, hunted on its mountains and fished in its streams for hundreds if not thousands of years. Here is a historical fact that cannot be overlooked. It surely cannot be a tenable position that outsiders may come in and because they are white, or rich, or strong, or civilized or christian that they may quietly take possession of the lands of the original inhabitants without any reference to this age-long occupation.

Then as we look over the rest of Canada we find that everywhere, from the Atlantic Seaboard to the Rocky Mountains, the claims of the Indians have been considered and dealt with. On what valid grounds can the Indians of British Columbia be treated in a totally different way from the Indians of the rest of Canada?

Further, when we look at the subject from the historical point of view we find that all authorities other than the Government of British Columbia have recognized the Indian title.

As soon as Canada became a British possession in 1763, King George III issued a proclamation stating that he would reserve under his sovereignty, protection and dominion for the use of the Indians all the lands and territories not included within the limits of the three governments recently formed, and this proclamation was supplemented, from time to time, by Imperial statutes to the same effect.

When the British flag was first hoisted on the Pacific Coast 350 years ago the British authorities recognized the rights of the Indians.

When the Hudson's Bay Company first organized a government on the Island of Vancouver in 1850, they took the precaution to make treaties with the Indians by which they acquired a full title to the land they needed.

When the Hudson's Bay Company made way for a more regular form of government in 1856, the Legislative Council of Vancouver Island asked the Imperial Government to allow them a sum of money with which to extinguish the Indian title. The Imperial

Government acknowledged the importance of extinguishing the Indian claims, but declared that they had no money to devote to this object.

It is only at a later date, about 1866, when the Government was extended over the Mainland as well as the Island, that the authorities took up the position that the Indians had no claim; and that position has been held by the British Columbia Government ever since.

When British Columbia joined the Dominion of Canada it came under the provisions of the British North America Act, by which Indian affairs were placed under the jurisdiction of the Dominion Government. An agreement was then come to between the two Governments by which the Province bound itself to hand over to the Dominion all the Indian Reservations; but although this agreement has been in force for 40 years it has never been made good; the Indian Reservations are still in the possession of the Provincial Government.

The differences between the Reserve system in British Columbia and in the rest of Canada are very marked. In Alberta and Saskatchewan the Reserves amount to about 180 acres per head of the Indian population; in British Columbia to only about 20 acres. In the rest of Canada the Reserves are held by the Dominion; in British Columbia by the Province. In the rest of Canada they are held in trust for the Indians; in British Columbia the Indians are supposed only to have a temporary occupation. And, most important of all, in the rest of Canada the Reserves were set apart, after negotiation with and with the consent of the Indians and by the surrender of the Indian title to the rest of the land; in British Columbia by the arbitrary will of the Government alone without the consent of the Indians and in total disregard of their claims.

The attitude of the Canadian Government in regard to the Indian title has been the same in British Columbia as in the rest of Canada. In 1874 the Minister of the Interior recommended that "the Government of the Dominion should make an earnest appeal

to the Government of British Columbia if they value the peace and prosperity of their Province to reconsider in a spirit of wisdom and patriotism the land grievances of which the Indians of that Province complain apparently with good reason and take such measures as may be necessary promptly and effectually to redress them." In 1875 the Minister of Justice adopted a report which was also approved by the Governor-General in Council, which stated that "no surrender or cession of their territorial rights has ever been executed by the Indian tribes of the Province, that they allege that the reservations of land made by the Government for their use have been arbitrarily so made and are totally inadequate to their support and requirements and without their assent, that they are not averse to hostilities in order to enforce rights which it is impossible to deny them, that the Act under consideration ignores those rights, and is objectionable as tending to deal with lands which are assumed to be the absolute property of the Province, an assumption which completely ignores, as applicable to the Indians of British Columbia, the honour and good faith with which the Crown has in all other cases since its sovereignty of the territories in North America dealt with their various Indian tribes." And in 1876 Lord Dufferin spoke of the attitude of the Provincial Government as an error and a deviation from the practice of their predecessors and warned them of the danger of having the Indian title unsettled.

At this point I shall leave my friend, Mr. O'Meara, to place before you the steps that have been taken in recent years to bring about a settlement of this important question.

I would, however, say before closing that the present position of affairs is highly dangerous and very detrimental to many important interests. It must affect injuriously the material interests of the Province, as settlers cannot be expected to purchase land of which the title is contested. It is a serious hindrance to all our Missionary work. Archdeacon Collison, for the Church of England, Dr. Chown for the Methodist Church, and Father Belot for the Roman Church, have testified that the unsettled state of the Indians was a great drawback to the work of education and civilization carried on among them. We all deplore today the rebellion and bloodshed that

occurred on the Red River and the Saskatchewan many years ago. It would be a calamity beyond description and an indelible stain on our national honour if similar occurrences were to take place in British Columbia today because we persistently refused even to consider the claims of the Indians.

And we appear before you because the Indians are wards of the nation and you represent the nation in its relation to the Indians. Our present purpose is mainly to give information. We do not ask you to take any definite or immediate step at this juncture. But when the time is ripe we hope that the Government of Canada, as Guardian of the Indians, will see its way clear to take such steps as may assist in bringing about such a settlement of this question as may be satisfactory to all concerned, such a settlement as will tend, by its equity, to promote the best interests of the Province and of the Dominion.